

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

AJAY KUMAR

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EP-19-MC-00205-FM

ADVISORY TO THE COURT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Movant, THE UNITED STATES OF AMERICA, (“USA”), by and through the United States Attorney for the Western District of Texas, and files this Advisory to the Court in the above-entitled and numbered cause, and would respectfully show the Court the following:

1. On July 24, 2019, Movant filed its Ex Parte Motion for Order to Seal and Emergency Ex Parte Motion for Order of Authorization to Provide Non-Consensual Examination and Non-Consensual Hydration. ECF No. 1 and 3.

2. On July 24, 2019, the Court entered its Order authorizing Movant’s Emergency Ex Parte Motion for Order of Authorization to Provide Non-Consensual Examination and Non-Consensual Hydration to be filed under seal. ECF No. 2. The Court further entered its Order of Authorization Filed Under Seal wherein Movant’s Emergency Ex Parte Motion was granted. ECF No. 4-2.

3. On August 13, 2019, the Court appointed Attorneys Lynn Coyle and Christopher Benoit to represent Respondent. ECF No. 11-1.

4. On August 14, 2019, Movant filed its Supplemental Emergency Motion for Order of Authorization seeking authority for nasogastric tube placement with necessary enteral feedings

as needed to Mr. Kumar. ECF No. 12.

5. On August 14, 2019, the Court entered its Supplemental Order of Authorization. ECF No. 13-1.

6. On August 19, 2019, the Court conducted a Status Conference in the instant matter. Doc. No. 15.

7. On August 19, 2019, Respondent filed Respondent's Response to the Government's Supplemental Emergency Motion for Order of Authorization and Request to Stay Court's Order. ECF No. 18.

8. On August 21, 2019, on Respondent's unopposed motion, the Court entered its Order Unsealing and Redacting Filing and Record. Doc. No. 17.

9. On August 22, 2019, Movant filed its Reply in Support of the United States' Supplemental Emergency Motion for Order of Authorization and Response in Opposition to Request to Stay Court's Order. ECF No. 21.

10. On August 27, 2019, Respondent filed Respondent's Supplemental Brief in Opposition to the Government's Supplemental Emergency Motion for Order of Authorization. ECF No. 25.

11. On September 3, 2019, Movant filed its Sur-Reply in Support of the United States' Supplemental Emergency Motion for Order of Authorization. ECF No. 28. Therein, Movant advised the Court that Movant anticipated filing an Advisory to the Court relating to Respondent's medical condition no later than September 6, 2019. *Id.* at ¶ 5.

12. Movant now advises the Court that as of this filing, the declaration from the ICE physician providing an update on Respondent's condition has not been finalized. Movant therefore respectfully informs the Court that Movant will not be able to file its Advisory until September 9,

2019.

Respectfully submitted,

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UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of September, 2019, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participants: Lynn Coyle and Christopher Benoit, Law Office of Lynn Coyle, P.L.L.C., *Attorneys for Respondent*.

/s/ Manuel Romero
MANUEL ROMERO
Assistant United States Attorney